IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13453 of 2004

Between:

K.S.Ravikumar, S/o K.C.Subrahmanyam,
R/o 1-8-500/4, Ground floor, S.V.Temple Lane, Chikkadpally, Hyderabad

..... PETITIONER

AND

1 The A.P.Central Power Distribution Company Ltd. Rep. By its Chairman and Managing Director, Singareni Bhavan, Lakdikapool, Hyderabad, A.P.
2 The Divisional Engineer (Electrical), Enquiries, and Enquiry Offier, The A.P.C.P.D.C.Limited, Singareni Bhavan, Lakdikapool, Hyderabad
3 The Divisional Engineer (Electrical) Operations, City-I, Saifabad Division, Central Circle, Mint Compound, Hyderabad,A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or other appropriate order or direction in the nature of a Writ directing the respondents to re-instate the petitioner into service as Asst.Line-man with all attendant and consequential benefits and pay all arrears upto the date of payment after declaring the enquiry initiated against him vide letter dated 01-06-2001 bearing Memo No.GM (P-HRD)/AS-II/P.O.-1/1130/2001 and after declaring the departmental enquiry against him as arbitrary, discriminatory illegal and void and violative of Articles 14 and 21 of the Constitution of India and principles of natural justice and exonerate the petitioner of the charge.

Counsel for the Petitioner:MR.B.NALIN KUMAR

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following :

O R D E R:

The petitioner is working as an Assistant Line-man in the respondents-company. It is the case of the petitioner that he was falsely implicated in a criminal case by the Vigilance & APTS Team-II, APTRANSCO, Hyderabad, which was the subject matter in crime no.263 of 2001, registered for the offence punishable under Section 44(c) of the Indian Electricity Act, 1910. The said criminal case ended in acquittal by Judgment dated 03-12-2003, delivered by the 1st Additional Metropolitan Sessions Judge, Hyderabad. It is stated that apart from the criminal case, without giving any show-cause notice to the petitioner and calling for his explanation, the 3rd respondent, on the basis of the above criminal case, placed the petitioner under suspension and appointed the 2nd respondent to enquire into the matter. The 2nd respondent-Enquiry Officer submitted a report exonerating the petitioner from the charges framed against him. Having dissatisfied with the report of the 2nd respondent, the 3rd respondent issued a show cause notice to the petitioner on 31-01-2004, mentioning that as to why the findings and conclusions of the Enquiry Officer should not be disagreed._In pursuance of the same, the petitioner submitted his explanation on 11-02-2004 stating that absolutely there was no ground to differ from the findings arrived at by the 2nd respondent. The grievance of the petitioner is that subsequent to his explanation dated 11-02-2004, the 3rd respondent did not pass any orders in that matter and

he is constrained to continue under suspension indefinitely. Therefore, the petitioner filed this writ petition seeking a writ of mandamus directing the respondents to reinstate him into service by revoking the suspension order, by declaring the letter dated 01-06-2001 as illegal, arbitrary and violative of natural justice.

In the light of the above circumstances, the 3rd respondent is directed to pass appropriate orders in the enquiry pending against the petitioner, in pursuance of the notice issued to him on 31-01-2004, within three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the Writ Petition is accordingly, disposed of. No costs.

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2-08-2004

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To

1 The Chairman and Managing Director, A.P.Central Power Distribution Company Ltd. Singareni Bhavan, Lakdikapool, Hyderabad.
2 The Divisional Engineer (Electrical), Enquiries, and Enquiry Offier, The A.P.C.P.D.C.Limited, Singareni Bhavan, Lakdikapool, Hyderabad.
3 The Divisional Engineer (Electrical) Operations, City-I, Saifabad Division, Central Circle, Mint Compound, Hyderabad.

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